

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DANIELLE MALMQUIST,  
Plaintiff,  
v.  
SHEM MALMQUIST, et al.,  
Defendants.

Case No.17-cv-04831-JD

**ORDER RE ALTERNATE SERVICE**

Re: Dkt. No. 38

Pro se plaintiff Danielle Malmquist has sued Shem and Meredith Malmquist (“defendants”), her ex-husband and his current wife, for defamation. The complaint alleges that defendants posted online a number of unflattering comments about Malmquist in connection with a “bitter and nasty divorce” from Shem. Dkt. No. 1 at 5. The case has been stalled for some time now at the service stage after Malmquist made several unsuccessful attempts to serve defendants. She asks to serve them by alternate means. Dkt. No. 38.

Malmquist has described a number of undue problems in effecting service. This includes problems trying to serve Shem Malmquist in Tennessee, and at a gated community in Florida. She also says personal service at Shem Malmquist’s job at an airport is impossible due to “security measures.” Dkt. No. 16 at 3.

There is no dispute that defendants know about the lawsuit. *See, e.g.*, Dkt. Nos. 13-1 ¶ 12; 13-2 ¶ 7. Nevertheless, they have filed several requests to quash service. In their most recent motion to quash, defendants acknowledge that they were served but maintain that the summons was defective. Dkt. No. 23 at 9. While the service issues have unfolded, the parties have also filed a barrage of other motions, including a request for an injunction, and a Rule 11 motion. *See, e.g.*, Dkt. Nos. 23, 25, 27, 29.

In response to all of this, the Court concluded that service “appears to have been more than typically problematic,” invited plaintiff to file a proposal for alternative service, and gave


1 defendants an opportunity to file any objections. Dkt. No. 37. In the interim, the Court terminated  
2 all pending motions without prejudice. *Id.*

3 Plaintiff now proposes to serve defendants by alternate means, including by emailing their  
4 attorneys. Dkt. No. 38. Defendants consent to email service on their attorneys. Dkt. No. 40 at 2.  
5 That settles the matter, and service is order via that channel for all filings in this action.

6 **IT IS SO ORDERED.**

7 Dated: December 14, 2018

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JAMES DONATO  
United States District Judge